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16 *Insurance Company*

16 **UNITED STATES BANKRUPTCY COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **OAKLAND DIVISION**

19 *In re:*

20 THE ROMAN CATHOLIC BISHOP OF
21 OAKLAND, a California corporation sole,
22 Debtor.

Case No. 23-40523 WJL

Chapter 11

**PACIFIC'S OBJECTION TO REVISED
PROPOSED ORDER FOLLOWING
HEARING ON JOIN MOTION FOR
ENTRY OF ORDER REFERRING
PARTIES TO MEDIATION,
APPOINTING MEDIATORS, AND
GRANTING RELATED RELIEF [DKT.
NO. 782]**

Judge: Hon. William J. Lafferty
Hearing Date: January 17, 2024
Hearing Time: 9:30 a.m.
Place: United States Bankruptcy Court
1300 Clay Street, Courtroom 220
Oakland, CA 94612

1 Pacific stands by its supplemental objection the Motion and objects to the Committee's
2 proposed order filed [Dkt. No. 782]. Pacific offers instead a counter form of order, attached as
3 Exhibit 1. Any mediation should focus on the terms of a consensual plan and involve all interested
4 parties. The counter form of proposed order attached hereto as Exhibit 1 is simple and
5 straightforward.¹ It proposes on single mediation leaving it to the mediators to organize.
6 Alternatively, Pacific submits that the two options offered in its supplemental objection for the
7 Court to address this matter should respectfully be considered by the Court.

8 The last hearing ended with the Committee advising the Court that it needed time to
9 consider Pacific's proposal for a single mediation of the formulation of a plan and the persons to
10 mediate it. We advised the Court, that we had told the Debtor and Committee Pacific's proposal
11 was a package proposal to resolve the issue, i.e., not a menu of items to pick from. Central to the
12 proposal was that there be one single mediation of a plan of reorganization. This is the first point
13 in the brief filed by insurers objecting to the motion and was extensively what we argued at the
14 hearing. Two days later, Committee's counsel called got back us and told us that one of the
15 mediators we proposed is not acceptable and that he envisioned two entirely separate mediations
16 excluding insurers from the plan mediation as described in the motion. We disagreed. This is
17 exactly what the insurers objected to in their Objection brief and at the hearing.

18 After the close of business Easter Time on Monday, January 16, the Committee emailed
19 us that it had changed its position and would accept the proposed mediators. However, the
20 Committee's proposed order excludes insurers from the all of the plan mediation issues that were
21 the subject of the original motion. The proposed order if entered would have the Committee
22 mediating against itself with regard to the claims, the Debtor's liability for claims, and treatment
23 of the claims. The fox running the henhouse.

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28 ¹ Exhibit 1 is a clean form of the proposed order mediation order proposed by Pacific. For the Court's
convenience Exhibit 2 is a redline against the Committee's form of proposed order [Dkt. No. 782.1].

1 Dated: January 16, 2024

By: /s/ Karen Rinehart

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